

S.B.CRIMINAL MISC. BAIL APPLICATION NO.5390/2007
(Mahaveer Prasad vs. State of Rajasthan)

DATE OF ORDER : November 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.S.S.Shaktawat, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

The case as set up by the first informant is against co-accused Pawan Pareek, who is son of the present petitioner. There is no allegation against the present petitioner.

Learned Additional Sessions Judge No.1, Chittorgarh (for short 'the trial court' hereinafter) has rejected the bail application filed by the petitioner only on the ground that the truck in question is yet to be recovered.

Learned counsel for the petitioner has placed on record a certified copy of the application for remand, wherein it has specifically been stated that the truck in question has been recovered from Pawan Pareek. Thus, the rejection of the bail by

the trial court was on wrong premises. At any rate, there is no allegation against the petitioner. If at all there is any allegation, that is against co-accused Pawan Pareek.

Be that as it may, without commenting on the merit of the case, having regard to the facts and circumstances of the case and having considered the oral arguments advanced by learned counsel for the parties, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Mahaveer Prasad s/o Ramdeo Pareek in FIR No.615/2007, Police Station, Chittorgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

- (i) That he shall make himself available for interrogation by a police officer as and when required;
- (ii) That he shall not, directly or indirectly, make any

inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-